

4121-168  
FINAL**REMARKS****Amendment of Claims**

Claims 2, 3, 5-8, 12 and 16 have been amended herein, with claims 2, 3, and 5-8 being made dependent on claim 12, and claims 12 and 16 being amended to delete the term "plastidiary" therefrom, constituent with the disclosure at page 5, 1<sup>st</sup> paragraph, line 10 ("ATP/ADP transporter activity").

**Election of Species, applicant elects:**

- a) constitutive (claim 2)
- b) in parallel (claim 3)
- c) plant, however this election is superfluous due to the limitation of amended claim 12 to plant cells
- d) protein (claim 7). Please traverse the requested election among peptide and protein arguing that peptide and protein are not patentably distinct, because they have the same chemical structure.
- e) antibodies
- f) The claims do not contain this feature. No claim contains the feature that the ATP/ADP distribution is increased or decreased. Thus, there is no basis for an election of an increased or decreased ATP/ADP distribution. A distribution can only be changed, but not increased or decreased!
- g) decreased
- h) constitutive

**Traversal of Restriction Requirement:**

The Restriction Requirement is traversed based on the following remarks:

Applicant has limited the claimed method for increasing the content of one or more transgene-coded biomolecule to a method wherein the expression of a ATP/ADP transporter in a plant is decreased ("invention group (g)").

The decrease of the expression of the ATP/ADP transporter results in a changed distribution of ATP and/or ADP which leads to an increased content of the transgene-coded biomolecule.

4121-168  
FINAL

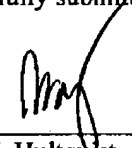
Tjaden et al. teach altered ATP distribution and an increased content of AATP1 which is a transgene-coded ATP/ADP transporter. However, Tjaden et al. do not teach to increase a transgene-coded biomolecule by decreasing the expression of an ATP/ADP-transporter, because Tjaden et al. report that the content of the transgene-coded biomolecule, i.e. AATP1, is decreased, when the expression of the ATP/ADP-transporter, i.e. AATP1, is decreased. Further, Tjaden et al. teach only increasing or decreasing the concentration of the AATP1 protein itself by an AATP1 antisense or sense construct but not at all increasing the concentration of another independent transgene-coded biomolecule which is different from AATP1. Hence, the claimed method is clearly distinct and not obvious from Tjaden et al.

The restriction requirement regarding invention groups (a)-(f) and (h) should be withdrawn, because the inventions of invention groups (a)-(f) and (h) have been made dependent from the elected invention of group (g) and, thus, all are linked by the above mentioned particular feature which defines a contribution over Tjaden et al. The increase of the content of the transgene-coded biomolecule is achieved by decreasing the expression of the ATP/ADP transporter. This new and not obvious effect is achieved regardless of the kind of regulation of the transgene-coded biomolecule (invention group (a)), whether the transgene-coded biomolecule is expressed in parallel or sequentially (invention group (b)), the type and class of biomolecule (invention groups (d) and e) or the kind of regulation of the ATP/ADP transporter (inventions group (h)).

It is requested that examination and prosecution of this application proceed on the basis of amended/added claims 1-19 as now pending in the application.

Respectfully submitted,

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**4121-168**  
**FINAL**

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